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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,818	02/01/2000	Preeti N Bhoi	10992634-1	5325

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EXAMINER
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WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/495,818

Applicant(s)

BHOI ET AL.

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Objected Subject Matter***

2. Claims 7, 10, 18 are objected to because of the following informalities: Proper grammar such a colons is required after the first sentence. Appropriate correction is required.
3. Claims 19, 20 are objected to because of the following informalities: Dependent claim should further limit the claim from which the claim depends. The same verbiage and elements are used in Claims 19, 20 as in claims 10, 11, respectively. Thus, it is assumed that what was meant was only the initial verbiage in claims 10, 11, respectively. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 7, 8, 10, 12, 14, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

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matter which applicant regards as the invention. The use of "external queue" is unclear.

Thus, it is assumed that what was meant was "listen queue".

6. Claims 10, 12, 19 recite the limitation "the remaining unprocessed claims" instead of remaining unprocessed claims. There is insufficient antecedent basis for this limitation in the claim.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 7, 8, 10, 12, 14, 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, "external queue" is not enabled by "listen queue".

#### **Claim Rejections - 35 USC § 102**

9. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for

patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Swales with Patent Number 6,321,272.

11. Regarding claim(s) 1, 14, Swales teaches a TCP/IP application that processes external requests, col. 5, lines 9-13. Swales teaches a network request queue col. 5, lines 47-50 and 66-67. Swales teaches determining whether a request will be processed, col. 8, lines 43-47. Swales teaches processing based on processing capacity and rate of requests, col. 11, lines 30-34, col. 12, lines 43-45, col. 13, lines 4-7, 34-38. Swales teaches internal queues as a client task, col. 6, lines 7-8 as MSTR block, col. 6, lines 28-31, server task, col. 8, lines 5-7, HTTP server task, col. 8, lines 53-54, etc., col. 8, lines 63-65. Swales teaches restricting requests to an application to achieve efficient processing of requests, col. 10, lines 32-41.

12. Regarding claims 2, Swales teaches rejecting certain requests, col. 10, lines 32-36.

13. Regarding claims 3, 9, 15, Swales teaches closing connections, col. 7, lines 47-52.

14. Regarding claims 4, 16, Swales teaches returning a rejection with a status code, col. 13, lines 56-62.

15. Regarding claims 5, 17, Swales teaches an HTTP response, col. 8, lines 56-57.

16. Regarding claims 6, 18, Swales teaches determining which requests are processed first, col. 6, lines 44-50.

17. Regarding claims 7, Swales teaches an internal queue of predetermined length,

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col. 13, lines 5-11. Swales teaches determining which requests will processed and sending them to an internal queue, col. 13, lines 56-60. Swales teaches notification of processing results, col. 7, lines 47-52.

18. Regarding claims 8, 10, 12, 19, Swales teaches an internal queue that equals the external queue that limits access to the internal queue, col. 8, lines 44-47. Swales teaches forwarding requests to the internal queue when they can be processed, col. 8, lines 48-51.

19. Regarding claims 11, 13, 20, Swales teaches processing requests based on load factors, col. 11, lines 33-34, 39-41, col. 14, lines 7-15.

### ***Conclusion***

20. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. The other references cited teach numerous other ways to buffer get requests, thus a close review of them is suggested.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

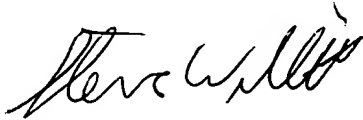
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

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A handwritten signature in black ink, appearing to read "Stephan Willett". The signature is written in a cursive, flowing style with some loops and flourishes.

Stephan Willett

Patent Examiner

June 26, 2003